Serial No.: 09/802,794

REMARKS

Claims 26, 27, 29-32, 58, 59 and 61-64 are now pending in the application. Claims 26, 29, 58 and 61 have been amended herein. Claims 1-25, 28, 33-57, 60 and 65-77 have been canceled without prejudice or disclaimer. Favorable reconsideration of the application, as amended, is respectfully requested.

Claims 26 and 58 have been amended to incorporate the features of canceled claims 28 and 60, respectively, and to discuss further features of the invention. The title of the invention has been changed so as to be more descriptive of the invention to which the claims are directed. No new matter has been added.

I. REJECTION OF CLAIMS 26-30, 58-60 AND 62 UNDER 35 USC §102(b)

Claims 26-30, 58-60 and 62 stand rejected under 35 USC §102(b) based on Watanabe. Applicants respectfully request withdrawal of the rejection for at least the following reasons.

FIG. 11

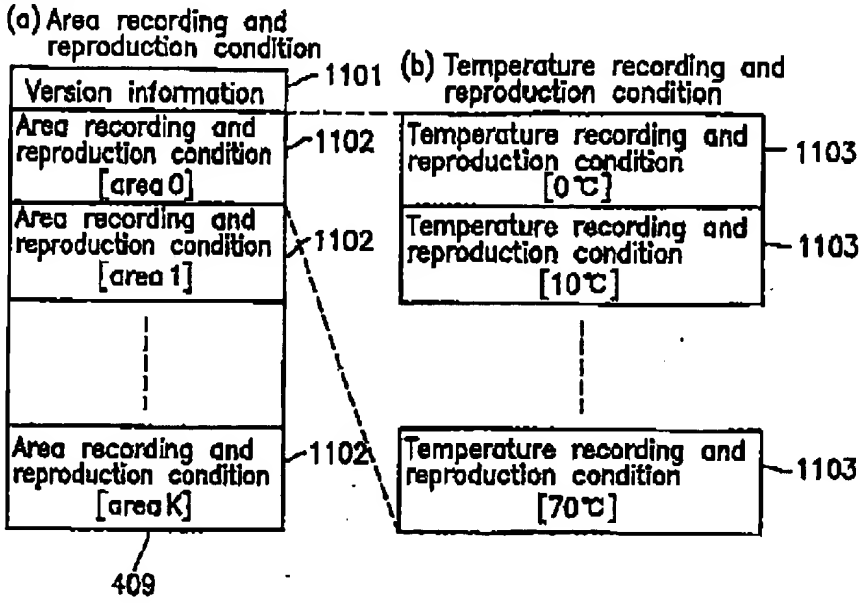

Fig. 11 (Present Invention)

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Claims 26-32 and 58-64 are directed to Example 4 as discussed beginning on Page 45 of the application in relation to Fig. 11 (reproduced above). In particular, a plurality of temperature recording and reproduction conditions 1103 respectively correspond to a plurality of segmented temperature ranges of an optical disc apparatus.

Claims 26 and 58 specifically refer to an information recording and reproduction method for an information recording medium wherein a temperature range indicating a range of apparatus temperatures of an information recording and reproduction apparatus includes a plurality of segmented temperature ranges.

TEMPERATURE RANGE (°C)	LIGHT POWER (mW)
I ~ II	A
II ~ III	B
III ~ IV	C
IV ~ V	D
V ~ VI	E
VI ~ VII	F
VII ~ VIII	G

Fig. 2 (Watanabe)

Regarding Watanabe, the Examiner refers to Fig. 2 (reproduced above) which discloses a plurality of temperature ranges together with corresponding light power. Although Watanabe describes such temperature-power table as being stored beforehand in the disc apparatus itself, Watanabe also teaches that the temperature-power table may be instead read from the control tracks of the optical recording medium (see e.g., Column 5, Lines 30-36). Watanabe discusses measuring the temperature of the disc apparatus (Step 1) and determining the power from the power-table (Step S5).

In order to emphasize more clearly the features of the invention, claims 26 and 58 have been amended to recite the manner in which the invention *acquires a recording and reproduction condition corresponding to a segmented temperature range by adjustment processing*. (See e.g., original claims 28 and 60). As described in the present application, such adjustment processing is carried out in conjunction with the step of obtaining a recording and reproduction condition corresponding to a segmented temperature range.

The Examiner asserts that the step of acquiring the recording and reproduction condition by adjustment processing as originally recited in claims 28 and 60 is taught in Watanabe by virtue of determining the power from the temperature-power table (Step S5). The Examiner further asserts such step represents adjustment processing because the step is used to adjust the laser power. Applicants respectfully disagree with the Examiner in this regard.

Specifically, the present specification indicates that the recording and reproduction condition may be obtained by (1) acquiring a recording and reproduction condition by adjustment; (2) reading a recorded recording and reproduction condition; *or* (3) calculating a recording and reproduction condition. Thus, it is clear that acquiring a recording and reproduction condition by "adjustment processing" (as recited in amended claims 26 and 58) is different than obtaining a recording and reproduction condition by reading a "recorded" recording and reproduction condition (as in Watanabe).

For example, the present specification states:

> *When it is determined that a plurality of recording and reproduction conditions recorded in the drive information area do not include an optimum recording and reproduction condition, an optimum recording and reproduction condition is acquired by adjustment processing. (Spec., p. 23, lns. 18-22).*

Watanabe clearly is describing only the case of reading a recorded recording and reproduction condition as illustrated in Fig. 2. Thus, as defined in the present

application, Watanabe does not teach adjustment processing as recited in amended claims 26 and 58.

For at least the above reasons, withdrawal of the rejection of claims 26, 58 and the claims dependent therefrom is respectfully requested.

II. REJECTION OF CLAIMS 26-32 AND 58-64 UNDER 35 USC §102(e)

Claims 26-32 and 58-64 stand rejected under 35 USC §102(e) based on commonly assigned Akagi et al. Applicants respectfully request withdrawal of this rejection for at least the following reasons.

Regarding Akagi et al., the Examiner indicates that Column 52 discusses recording temperature and reproduction-time offset amount on the disk 301 (see e.g., Column 52, Lines 39-49). The Examiner asserts that the predetermined temperature difference range for each of the detected apparatus temperatures in Akagi et al. may be interpreted as a plurality of segmented temperature ranges. (See e.g., Column 52, Lines 33-35).

Applicants respectfully disagree as to whether Akagi et al. teaches a plurality of segmented temperature ranges. In Akagi et al., the corresponding temperatures and reproduction-time offset amounts recorded on the disk are not in the form of segmented temperature ranges as recited in claims 26 and 58, but rather as temperature points with corresponding reproduction-time offset amounts. In Step S907 of Fig. 40 in Akagi et al., the disc apparatus determines whether the measured temperature is within a predefined temperature difference range of any of the temperatures recorded on the disc. In this sense, there are no temperature ranges, *per se,* on the disc itself.

In order to further emphasize such distinction, applicants have amended claim 26 to recite that each of the plurality of segmented temperature ranges is individually defined on the information recording medium. Akagi et al. does not teach or suggest each of the plurality of segmented temperature ranges is individually defined on the information recording medium. Rather, Akagi et al. teaches merely drawing inferences based on a comparison with a predetermined temperature difference.

Thus, Akagi et al. also does not teach or suggest the invention as recited in amended claims 26 and 58. Withdrawal of the rejection of these claims and the claims dependent therefrom is respectfully requested.

III. CONCLUSION

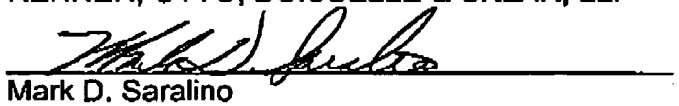
Accordingly, all claims 26, 27, 29-32, 58, 59 and 61-64 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP



Mark D. Saralino
Reg. No. 34,243

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The Keith Building
1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

C:\GEN\YAMA\yamap755.amd.wpd